

thereof (Figs. 2 and 3C). The blocking part is located between and accessible from the exterior surfaces of the filter housing and the filter container when the filter housing and the filter container are coupled by the connector, and includes a plate-shaped sliding valve part guided for movement between and sealed between first and second connecting plates 42, 48 of said connector by seals 50 facing the filter housing and facing the fluid container. The connector with the blocking part is located in the lateral space with the filter housing and the fluid container being on opposite sides of the connector.

By forming the filter device in this manner, the connector can be simply formed and operated. Particularly, the blocking part can be operated independent of movement of the filter device and the fluid container, and is sealed to and guided by both connecting plates of the connector during movement of the blocking part in the lateral space between the filter housing and the fluid container.

Claims 11, 12, 14, 15, 18-20 and 23-26 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 3,982,520 to Wheeler in view of German patent number 31 00 499. Relative to claim 11, the Wheeler patent is cited for disclosing a filter device having a filter housing 26 with fluid connections on its exterior surface, a filter element in the filter housing, a fluid container 24 having an exterior surface and located adjacent to and side-by-side with the filter housing, and a connector 20 coupling the fluid connections to the container 24 with the connector having at least one displaceable blocking part 60. The blocking part is allegedly located between and accessible from the exterior surface of filter housing 26 and fluid container 24 when the filter housing and the fluid container are coupled by the connector 20. Additionally, the blocking part allegedly has a sliding valve part guided for movement between connecting

plates 20, 22 of connector 20 by seals 38, 56 facing the filter housing and facing the fluid container. The fluid connector with its blocking parts is allegedly located in the lateral space between filter housing 26 and fluid container 24 that are on opposite sides of the connector 20. The cited German patent is cited for a filter device, including plate-shaped valves 10, 11, 12, longitudinally displaceable to open the fluid passages. In support of the rejection, it is alleged that it would be obvious to provide the Wheeler device with the German patent valves to open and close the passage, with the translation being relied upon for teaching that rotational longitudinal movements of valves are common. Further, it is allegedly obvious to make the Wheeler valves plate-shaped, as taught by the German patent.

Relative to claim 12, the hydraulic tank is held not to patentably distinguish the art based on it allegedly being a mere statement of use. Relative to claim 14, the Wheeler connecting plates allegedly include fluid passages, and the blocking part allegedly has wall parts that cover the fluid connections in blocking positions and openings clear of the fluid connections in the open position. Relative to claim 15, the Wheeler device allegedly has an inlet and an outlet located on top of one another in the direction of the longitudinal axis and are adjacent one another directly on the exterior surface of the filter housing with the fluid passages also being arranged in that manner and with the blocking part allegedly having openings 64 and 62 between wall parts. Relative to claim 18, the filter housing connections are allegedly on an outer peripheral side, and the connector 20 allegedly has flange parts 72, 70 on a connecting plate, with the connecting plate having fluid passages therein encompassed by the flange parts. Relative to claim 19, the Wheeler attachment part allegedly includes a locking part 69 received in an opening in one of the flange parts and a locking part received in a recess in the blocking part in the

opening with the locking part 69 received in the blocking part recess. Relative to claim 20, the locking device is a pin 69. Relative to claim 23, the German patent allegedly discloses the blocking plate that moves translationally. Relative to claim 24, the German patent is cited for fluid connections perpendicular to the filter housing longitudinal axis. Relative to claim 25, the Wheeler part allegedly has a blocking part with two openings and two wall parts. Relative to claim 26, the Wheeler patent allegedly has two openings and two wall parts that are fixedly connected for simultaneous movement.

Claims 16 and 17 stand rejected under 35 U.S.C. §103 as being unpatentable over the Wheeler patent in view of the German patent, when further considered in view of U.S. Patent No. 6,485,635 to Gandini. The Gandini patent is cited for a filter having a check valve 28 on filter element 14 and a back-flow check valve 25 in a support tube 11. In support of the rejection, it is alleged that it would be obvious to provide the Wheeler device, as modified by the German patent, with the Gandini valves. Relative to claim 17, it is alleged that the modified device would have the valve disk, as recited in that claim.

Claim 21 stands rejected under 35 U.S.C. §103 as being unpatentable over the Wheeler patent and the German patent, when further considered in view of U.S. Patent No. 5,256,285 to Tomita. The Tomita patent is cited for a device having a handle 112. In support of the rejection, it is alleged that it would be obvious to provide the Tomita handle on the Wheeler-German patent device.

Claim 22 stands rejected under 35 U.S.C. §103 as being unpatentable over the Wheeler patent in view of the German patent when further considered in view of U.S. Patent No.

6,579,455 to Muzik. The Muzik patent is cited for the materials that would allegedly be obvious to use in the Wheeler device, as modified.

Relative to claim 11, neither the Wheeler patent nor the German patent have a plate-shaped sliding valve part guided for longitudinal movement. The Wheeler patent has a rotary stem valve 62. The Wheeler valves move perpendicularly to their longitudinal extent, not along their longitudinal extent, in order to be longitudinally displaceable, as recited in claim 11. Moreover, if the German patent valves were used in the Wheeler device, the rotational knobs 17 necessary to operate the device would be located either in the filter housing 26 or in the combustion engine 24 rendering the device proposed by the combination inoperative for its intended purpose. Such inoperativeness indicates that the rejection is unpatentable.

Claim 11 recites that the fluid container and the filter housing are “side-by-side” with the blocking part in the lateral space therebetween. In contrast, the Wheeler filter housing 26 and fluid container 24 are located end-to-end. The German patent also fails to disclose or teach this feature.

If the Wheeler valve is made displaceable, as allegedly taught in the German patent, the modified Wheeler valve would have multiple parts that move vertically in the position illustrated in Wheeler patent Fig. 3 to open and close conduits 50 and 54 since the DE patent valve plates only move up and down relative to a vertical passage. Such movement would not be between and guided by two connecting plates, as recited in claim 11. No two connecting plates are provided in the Wheeler connector 20.

Thus, the Wheeler and German patents do not render the subject matter of claim 9 obvious.

Claims 12 and 14-26, being dependent upon claim 11, are also allowable for the above reasons. Moreover, these dependent claims are further distinguished by the additional limitations recited therein.

Claim 12 is further distinguishable by the fluid container comprising a hydraulic tank, particularly within the overall claim combination. The recitation of a hydraulic tank is structural, not a statement of use. Clearly, there is nothing to indicate that the Wheeler combustion engine can be considered and perform as a hydraulic tank.

Claim 14 is further distinguishable by the fluid inlet and outlet, the fluid passages in the connecting plates and the blocking part having wall parts, as claimed. Such features are not anticipated or rendered obvious by the Wheeler and DE patents, since no openings in the German patent valve plates, proposed to be used in the Wheeler device instead of rotary stem valve 60, clear the fluid connections.

Claim 15 is further distinguishable by the fluid inlet and outlet and the fluid passages being located one of top of another. In contrast, the Wheeler device has the passages laterally spaced and parallel to the longitudinal axis of the filter housing, and not one on top of each other in the direction of the filter housing. Similarly, the various fluid passages in the German patent are located along a direction transverse to the longitudinal axis of the filter housing, not in the direction of the longitudinal axis, as clearly recited in claim 15. Further, the alleged German patent blocking part 10-12 does not have the claimed clearance openings.

Claim 16 is further distinguishable by the recited valves which are separate or independent from the blocking part. The Gandini patent only discloses a single check valve 25

since part 28 is a sealing lip and not a check valve. Thus, no disclosure of two check valves, as claimed, is provided in the cited patents.

Claim 17 is further distinguishable by the valve disks recited therein. As noted above, the Gandini patent only teaches a single valve disk.

Claim 18 is further distinguishable by the fluid connections being on the outer peripheral side of the filter housing and by the attachment part and the flange parts. The Wheeler fluid connections are on the bottom of the filter housing, not the lateral side. Outer surface 72 and cylindrical nipple 70 of the Wheeler patent do not provide the claimed flange parts encompassing the fluid passages.

Claim 19 is further distinguishable by the locking part with its mating opening in one of the flange parts and the recess in the blocking part, with the locking part, opening and recess extending transversely to the movement direction of the blocking part. Wheeler part 69 merely provides a handle and is not a locking part received in the flange part and the blocking part, as alleged.

Claim 20 is further distinguishable by the locking device being a locking pin. Wheeler part 69 not a locking pin, as claimed, particularly with the features of claim 19.

Claim 21 is further distinguishable by the handle on each of the filter housing and the blocking part, as specifically recited therein. The Tomita handle 112 is on cap 102, not the filter housing 106, as claimed.

Claim 22 is further distinguishable by the use of cast aluminum and steel or plastic for the various parts, particularly within the overall claim combination. The Muzik patent does not render these features obvious.

Claim 23 is further distinguishable by the blocking part moving translationally between its blocking and open positions. Since Wheeler rotary stem valve 60 and the German patent plates of valves 10-12 each rotate, they do not move translationally, as claimed. Translational movement must be without rotation.

Claim 24 is further distinguishable by the fluid connections extending perpendicular to the longitudinal axis of the filter housing. The Wheeler fluid connections extend parallel to the longitudinal axis of the filter housing, not perpendicular. Nothing supports the allegation that it would obvious to modify them, as alleged.

Claim 25 is further distinguishable by the blocking part having two openings and two wall parts. No openings are provided in the German patent valve parts that are substituted for the Wheeler rotary valve stem 60, as alleged in the rejection.

Claim 26 is further distinguishable by the two openings and two wall parts being fixedly connected for simultaneous movement only. The German valve parts move independently of one another, which valve parts are substituted for the Wheeler rotary valve stems 60 in the modification proposed in the rejection.

In view of the foregoing, claims 11, 12 and 14-26 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



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